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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,291	04/08/2005	Patrice Beaudou	76.0731 US	2820
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THE JANSSON FIRM 9501 N. CAPITAL OF TX HWY #202 AUSTIN, TX 78759				
EXAMINER				
ALMEIDA, DEVIN E				
ART UNIT		PAPER NUMBER		
2432				
MAIL DATE		DELIVERY MODE		
12/08/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/507,291

Applicant(s)

BEAUDOU ET AL.

Examiner

DEVIN ALMEIDA

Art Unit

2432

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/10/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

This action is in response to the papers filed 9/10/2004.

Priority

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been received.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 8, 11 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Schier (U.S. 6,907,123).

With respect to claim 1, a method of updating an authentication algorithm in at least one data processing device which can store in a memory element of said device a subscriber identity (unique identifier) which is associated with an authentication algorithm (see column 9 lines 14-59, i.e. Pin or Encryption key), comprising the following steps: a preliminary step whereby a second inactive authentication algorithm (newly assigned private key) is stored in a memory element of the device, a step for switching from the first algorithm to the second algorithm, which can inhibit the first algorithm and activate the second (see column 9 lines 14-59).

With respect to claim 2, wherein the switching step is carried out on the initiative of an entity external to said device (see column 9 lines 14-59 i.e. administration server).

With respect to claim 3, method according to claim 1 or 2, wherein to perform the switching operation, the entity external to said device transmits a command remotely to said device (Mobile Device) in order to switch from the first algorithm to the second algorithm (see column 9 lines 14-59).

With respect to claim 4, wherein to perform the switching operation, the entity external to said device downloads into the device a program which can start up after a time delay and whose purpose is to switch from the first algorithm to the second algorithm (see column 9 lines 14-59).

With respect to claim 5, wherein during the pre-storage step, a second code (ESN-MIN), different from the code and associated with the algorithm, is stored, and wherein after the step for switching accounts on said device, said device transmits the code to all or some of the data processing devices (mobile Device) whose algorithms need to be switched, said code associated with the second algorithm informing these data processing devices that the algorithms have been switched in order to synchronise the algorithm update (see column 9 lines 14-59).

With respect to claim 6, wherein on reception of the code associated with the second algorithm, said receiving device switches algorithm from the first algorithm to the second algorithm (see column 9 lines 14-59).

With respect to claim 7 wherein after switching, the memory space storing the data associated with the deactivated account is reused (see column 9 lines 14-59).

With respect to claim 8, a data processing device, in particular a smart card which can store a subscriber identity (unique identifier) and which is associated with an authentication algorithm (see column 9 lines 14-59 i.e. Pin or Encryption key), comprising:

memory means storing a second authentication algorithm (see column 9 lines 14-59 i.e. newly assigned private key)),

a microcontroller programmed to carry out a step for switching from the first algorithm to the second algorithm, which can inhibit the first algorithm and activate the second (see column 9 lines 14-59).

With respect to claim 11, a computer storage media operable to store instructions for instructing a data processing device to perform certain operations, the storage media comprising: instructions to direct the data processing device to execute a step for switching from the first algorithm (see column 9 lines 14-59 i.e. Pin or Encryption key) to the second algorithm (newly assigned private key), which can inhibit the first algorithm and activate the second (see column 9 lines 14-59).

With respect to claim 12, further comprising instructions to direct the data processing device to, after the step of switching from the first algorithm to the second algorithm, identify the algorithm used by a transmitting device with the code IMSI2, different from the code IMSI1 and associated with the algorithm Algo2, received from said transmitting device when it is executed on the data processing device (see column 9 lines 14-59).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devin Almeida whose telephone number is 571-270-1018. The examiner can normally be reached on Monday-Thursday from 7:30 A.M. to 5:00 P.M. The examiner can also be reached on alternate Fridays from 7:30 A.M. to 4:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron, can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Devin Almeida/
Examiner, Art Unit 2432
12/01/2008

/Gilberto Barron Jr/
Supervisory Patent Examiner, Art Unit 2432